

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

v. )

CASE NO. 05-10019-RGS

DANIEL W. McELROY,  
AIMEE J. KING McELROY, and  
XIEU VAN SON )


**MOTION OF DEFENDANTS, DANIEL W. McELROY AND  
AIMEE J. KING McELROY, TO DISMISS COUNTS TWO THROUGH  
FOUR BECAUSE THE ALLEGED MAILINGS WERE NOT IN  
FURTHERANCE OF A SCHEME TO DEFRAUD**

Defendants, Daniel W. McElroy ("Mr. McElroy") and Aimee J. King McElroy ("Ms. King") move this Court to dismiss Counts Two through Four of the Indictment because the mailings alleged in Counts Two through Four were not made in furtherance of a scheme to defraud as required to support a charge of mail fraud pursuant to 18 U.S.C. §1341. In further support of this Motion, Mr. McElroy and Ms. King incorporate their Memorandum of Law filed simultaneously herewith.

Respectfully submitted,

AIMEE J. KING McELROY

By her Attorney,

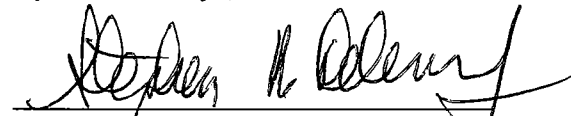


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DATED: June 30, 2005

DANIEL W. McELROY

By his Attorneys,



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